

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In re:

Case No.: 15-42460-KHS

Paul Hansmeier,

Chapter 13 Case

Debtor.

TRUSTEE'S RESPONSE TO DEBTOR'S MOTION FOR EXPEDITED HEARING AND MOTION TO SEAL

TO: All parties in interest pursuant to Local Rule 9013-3.

1. Gregory A. Burrell, chapter 13 trustee, makes the following response to the debtor's motion to vacate order of dismissal.

2. The court will hold a hearing on the motion at 11:00 a.m. on November 24, 2015, in Courtroom No. 8 West, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota.

3. According to the court's website, the debtor's motion was filed on Monday, November 20, 2015 at 2:03 p.m.

4. According to Local Rule 9006-1(b), "moving documents shall be filed and served by delivery or by mail not later than fourteen days before the hearing date." The motion was served only via CM/ECF on November 20, 2015, which is 4 days before the hearing date of November 24, 2015. Therefore, service was not timely.

5. The motion is titled and captioned as including a request for expedited relief under Local Rule 9006-1(e). The trustee does not object to the granting of expedited relief.

6. Privacy and redaction in a bankruptcy case are governed by 11 U.S.C. § 107 and Fed. R. Bankr. P. 9037.

7. 11 U.S.C. § 107(c)(3) states:

(3) The United States trustee, bankruptcy administrator, trustee, and any auditor serving under section 586(f) of title 28—

(A) shall have full access to all information contained in any paper filed or submitted in a case under this title; and

(B) shall not disclose information specifically protected by the court under this title.

8. The trustee does not oppose the debtor's motion to seal the filing of the purchase agreement as long as the trustee and the United States Trustee have access to the purchase agreement including any amended versions of it.¹

9. If the court denies the motion to seal, the trustee would not oppose the granting of a motion to allow the debtor to file the purchase agreement with the name of the purchaser redacted.

10. The trustee does not object to the motion to seal being granted.

Gregory A. Burrell, Standing Chapter 13 Trustee

Dated: November 20, 2015

Signed: /e/ Karl J. Johnson
Karl J. Johnson, ID # 391211
Margaret H. Culp, ID # 180609
Counsel for Chapter 13 Trustee
Fifth Street Towers
100 South Fifth Street, Ste. 480
Minneapolis, MN 55402
(612) 338-7591

VERIFICATION

I, Karl J. Johnson, employed by Gregory A. Burrell, the chapter 13 trustee, declare under penalty of perjury that the factual allegations in the foregoing are true and correct.

Executed on: November 20, 2015

Signed: /e/ Karl J. Johnson

¹ The debtor has previously provided a copy of the purchase agreement to the trustee.

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UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Karl J. Johnson, employed by Gregory A. Burrell, chapter 13 trustee, declare that on November 20, 2015, I served Trustee's Response to Expedited Motion to Seal on all filing users and others who have consented to electronic service in this case, by electronic mail, as disclosed on the notice of electronic filing herein, and on the individual(s) listed below, in the manner described:

By first class U.S. mail, postage prepaid, by email, and by facsimile:

Paul Hansmeier

100 Third Avenue South, Ste. 3201
Minneapolis, MN 55540

Cynthia L. Hegarty

Best & Flanagan LLP
225 South Sixth Street, Suite 4000
Minneapolis, MN 55402

Paul Hansmeier

3749 Sunbury Alcove
Woodbury, MN 55125

Paul Godfread

Godfread Law Firm, PC
6043 Hudson Road, Suite 305
Woodbury, MN 55125

Edward P. Sheu

Best & Flanagan LLP
225 South Sixth Street, Suite 4000
Minneapolis, MN 55402

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: November 20, 2015

/e/ Karl J. Johnson